#### Legal Considerations for Local Emergency Managers

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#### Presentation Overview

- Virginia Emergency Laws
  - Shelter Considerations
- Role of Local Government

  Attorneys

- § 44-146.14. Findings of General Assembly
  - Recognized possibility for disasters in Virginia
  - Created VDEM and Local EM organizations
  - Emergency powers of locality CAOs
  - Mutual Aid in VA as well as other states

■ § 44-146.14 con't

- Coordinate state EM functions with federal
- Authorizes Governor to use national resources

§ 44-146.15.

 Neither Governor nor political subdivision can limit right to keep and bear arms except for public safety reasons in a shelter

- § 44-146.17. Powers and Duties of Governor
  - Director of VDEM
  - Authorized to publish rules, regulations, orders
  - Adopts COVEOP
  - Declares State of Emergency
  - Requests major disaster declaration from President

§ 44-146.18. Duties of VDEM

 Assistance, Coordination, and Guidance to Local Governments with emergency planning

- § 44-146.19. Powers and Duties of Political Subdivisions
  - First response is local. Locals responsible for preparedness, response, recovery and mitigation plans.
  - Designate a director of emergency management

- § 44-146.19 con't
  - Authorized to control resources within local boundaries following Governor-declared emergency
  - Develop mutual aid agreements
  - Review plans for certain care facilities

■ § 44-146.20. Joint Action by Localities

- Authorizes Statewide Mutual Aid
- § 15.2-1300.1. Joint aid agreements by localities.

■ § 44-146.21. Declaration of Local Emergency

 Authorizes local emergency manager to declare emergency with consent of governing body

- § 44-146.23. Immunity from Liability
  - Liability protections for political subdivisions and employees when engaged in emergency services activities
  - Simple negligence, NOT willful misconduct
  - Includes MRCs and CERTs

■ § 44-146.27. Supplementing Federal Funds

 State and local funds may be used to supplement federal disaster aid

■ § 44-146.28. Supplementing Federal Funds

 Governor authorized to make payments to political subdivisions to fund disaster services

- § 44-146.28:1. Emergency Management Assistance Compact
- Sharing of state resources during emergencies
- Intergovernmental Agreement
- NCR Mutual Aid Agreement differs

#### Shelter Considerations

Shelters

- Already have shelter experience
- Draw on this experience when sheltering evacuees
- Department of Social Services

#### Shelter Considerations

- Shelters con't
  - Areas of Concern
    - Staffing
    - Resources & Equipment
    - Security
      - Firearms
      - RSO/TRO
    - Medications

#### Shelter Considerations

- ADA/Functional Needs Accommodations
- Integration
- Service/Companion Animals
- Liability

#### Legal Issue Spotting

Litigation Happens

- BCID v. Bloomberg
- CFILC v. City of Oakland
- CALIF v City and County of Los Angeles

#### Legal Issue Spotting

- Virginia Planning for Individuals with Disabilities
- Stakeholder input in emergency plans
  - Dept. for the Blind and Vision Impaired
  - Dept. of Social Services
  - Dept. for the Deaf and Hard of Hearing
  - Dept. for Aging and Rehabilitative Services
  - Local Centers for Independent Living
- Local Planning Assistance (VDEM)

#### Legal Issue Spotting

Refuge of Last Resort

Freedom of Information/Emergency Plans

#### Role of Local Attorney

- Important resource before, during, after event
- Include in local exercises
- Include in emergency management plan reviews
- During emergency, local attorney should be contacted first. Contact VDEM EOC if local attorney requests assistance.

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